



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/698,853	10/31/2003	Robert A. Iverson	8338.232US01	9326

7590 07/27/2004

Merchant & Gould P.C.
P.O. Box 2903
Minneapolis, MN 55402-0903

EXAMINER

MORROW, JASON S

ART UNIT	PAPER NUMBER
----------	--------------

3612

DATE MAILED: 07/27/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/698,853

Applicant(s)

IVERSON ET AL.

Examiner

Jason S. Morrow

Art Unit

3612

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-14 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-3 and 8-11 is/are rejected.
- 7) ☒ Claim(s) 4-7, 12-14 is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 31 October 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. ____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- ☒ Notice of References Cited (PTO-892)
- ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date 3/3/04.
- ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. ____.
- ☐ Notice of Informal Patent Application (PTO-152)
- ☐ Other: ____.

DETAILED ACTION

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claims 1, 2, 3, 9, 10, and 11 are rejected under 35 U.S.C. 102(b) as being anticipated by Karrer.

Re claim 1, Karrer discloses a pickup truck bed frame comprising a frame member (see figure 29) comprising a frame member left end constructed for attachment to a pickup truck bed left sidewall, a frame member right end constructed for attachment to a pickup truck bed right sidewall, and a central member constructed to extend across a pickup truck cab from the frame member left end to the frame member right end, a left support structure comprising a left support arm having a left support arm first end constructed for attachment to the frame member, and a left support arm second end constructed for attachment to a pickup truck bed left sidewall, and a right support structure comprising a right support arm having a right support arm first end constructed for attachment to the frame member, and a right support arm second end constructed for attachment to a pickup truck bed right sidewall.

Re claim 2, the left support structure further comprises a left bed rail comprising a left bed rail first end constructed for attachment to the left support arm, and a left bed rail second end constructed for attachment to a pickup truck bed left sidewall.

Art Unit: 3612

Re claim 3, the right support structure further comprises a right bed rail comprising a right bed rail first end constructed for attachment to the right support arm, and a right bed rail second end constructed for attachment to a pickup truck bed right sidewall.

Re claim 9, Karrer discloses a pickup truck comprising a cab and a bed (see figure 1), wherein the bed comprises a left sidewall and a right sidewall, a frame member comprising a frame member left end attached to the left sidewall, a frame member right end attached to the right sidewall, and a frame member central portion extending across the cab from the frame member left end to the frame member right end, a left support structure comprising a left support arm having a left support arm first end attached to the frame member, and a left support arm second end attached to the left sidewall, and a right support structure comprising a right support arm having a right support arm first end attached to the frame member, and a right support arm second end attached to the right sidewall.

Re claim 10, the left support structure further comprises a left bed rail comprising a left bed rail first end attached to the left support arm, and a left bed rail second end attached to the left sidewall.

Re claim 11, the right support structure further comprises a right bed rail comprising a right bed rail first end attached to the right support arm, and a right bed rail second end attached to the right sidewall.

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

Art Unit: 3612

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claim 8 is rejected under 35 U.S.C. 103(a) as being unpatentable over Karrer.

Karrer discloses all the limitations of the claim, as applied above, except for a fastener for attaching the left support arm to the frame member and a fastener for attaching the right support arm to the frame member.

The use of fasteners is old and well known in the art.

It would have been obvious to one of ordinary skill in the art at the time the invention was made to have a fastener for attaching the left support arm to the frame member and a fastener for attaching the right support arm to the frame member instead of the members being attached by welding, as is old and well known in the art, in order to attach the parts in a way which enables them to be easily assembled by an end user of the product.

Allowable Subject Matter

5. Claims 4-7 and 12-14 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Conclusion

6. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Burke, Haugen et al., Finneyfrock, and European Patent 0413099 disclose pickup truck bed frames.

Art Unit: 3612

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jason S. Morrow whose telephone number is (703) 305-7803. The examiner can normally be reached on Monday-Friday, 8:00a.m.-4:30p.m..

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Glenn Dayoan can be reached on (703) 308-3102. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Jason S. Morrow
Examiner
Art Unit 3612

July 23, 2004


JASON MORROW
PRIMARY PATENT EXAMINER

7/23/04